

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE**

In re:	)	Chapter
	)	
	)	
Debtor(s).	)	Case No. (     )
	)	
	)	
v.                  Plaintiff,	)	Adversary Proceeding
	)	No. (     )
	)	
	)	
Defendant(s).	)	
	)	

**SCHEDULING ORDER**

To promote the efficient and expeditious disposition of adversary proceedings, the following schedule shall apply to each of the above-captioned adversary proceedings.

**IT IS HEREBY ORDERED** that:

1. Any extension of time to file a responsive pleading is not effective unless approved by Order of the Court. Any motion for extension of time to file a responsive pleading or stipulated order for such an extension must be filed with the Court no later than ten (10) days before the Initial Scheduling Conference in the adversary proceeding.
2. The discovery planning conference described in Fed. R. Civ. P. 26(f), made applicable by Fed. R. Bankr. P. 7026, shall take place no later than thirty (30) days after the first answer or other responsive pleading is filed, or sixty (60) days after the adversary proceeding is commenced, whichever is earlier.

3. The parties shall provide the initial disclosures under Fed. R. Civ. P. 26 (a)(1) no later than fourteen (14) days after the discovery planning conference. Any extension of the deadline to provide initial disclosures must be by Order of the Court and will only be granted for good cause shown.
4. All fact discovery shall be completed no later than \_\_\_\_\_ [a date no later than 120 days after the first answer or other responsive pleading is filed].
5. The parties shall provide expert reports for an issue on which they bear the burden of proof, not including any report by Plaintiff on insolvency of the Debtor, by \_\_\_\_\_ [a date no later than one hundred forty (140) days after an answer or other responsive pleading to the complaint is filed]. If the Defendant intends to provide expert testimony regarding the insolvency of the Debtors, any such expert report must be provided by [a date no later than one hundred forty (140) days after an answer or other responsive pleading to the complaint is filed]. Any expert report by Plaintiff on the insolvency of the Debtors, as well as any Parties' expert report intended to rebut any other expert report, shall be provided by \_\_\_\_\_ [a date no later than one hundred sixty (160) days after an answer or other responsive pleading to the complaint is filed]. Defendant shall provide any expert report intended to rebut any report on insolvency by Plaintiff by \_\_\_\_\_ [a date no later than one hundred seventy (170) days after an answer or other responsive pleading to the complaint is filed]. All reports shall provide the information required by Fed.R.Civ.P.26(a)(2)(B). All expert discovery shall be completed, and discovery shall close, by \_\_\_\_\_ [a date no later than one hundred eighty (180) days after the first answer or other responsive pleading is filed].

6. Pursuant to the General Order Regarding Procedures in Adversary Proceedings entered by the Honorable Mary F. Walrath on April 7, 2004, no later than [one hundred twenty (120) days after the answer or other responsive pleading to the complaint is filed, the parties shall file a Stipulation Regarding Appointment of a Mediator or a statement that the parties cannot agree on a mediator and a request that the Court select and appoint a mediator to the proceeding.
7. Within sixty (60) days after the entry of an Order Assigning the Adversary Proceeding to Mediation, the mediator shall either (a) file the mediator's certificate of completion, or, (b) if the mediation is not concluded, file a status report that provides the projected schedule for completion of the mediation.
8. All dispositive motions shall be filed and served by \_\_\_\_\_ [a date no later than fifteen (15) days after the close of all discovery] and shall be subject to Del. Bankr. L.R. 7007.
9. The parties shall comply with the General Order Governing Pre-Trial Procedures in Adversary Proceedings Set for Trial Before Judge Kevin Gross. The parties shall file, no later than two (2) business days prior to the earlier of date set for (i) pre-trial conference (if one is scheduled) or (ii) trial, their Final Pretrial Order approved by all counsel and shall contemporaneously deliver two (2) copies thereof to Judge Gross' chambers.
10. The Order Assigning the Adversary Proceeding to Mediation shall set the adversary proceeding for trial ninety (90) days after the entry of the Order, or as soon thereafter as the Court's calendar permits. The Court may, in its discretion, schedule a pre-trial conference in lieu of or in addition to the trial.

11. The Plaintiff shall immediately notify Chambers upon the settlement, dismissal or other resolution of any adversary proceeding subject to this Order and shall file with the Court appropriate evidence of such resolution as soon thereafter as is feasible. The Plaintiff shall file a status report forty-five (45) days after the date of this scheduling order, each forty-five (45) days thereafter, and thirty (30), twenty (20), and ten (10) days prior to trial, setting out the status of each unresolved adversary proceeding subject to this Order. Plaintiff shall immediately advise Chambers, in writing, of any occurrence or circumstance which Plaintiff believes may suggest or necessitate the adjournment or other modification of the trial setting.
12. Deadlines contained in this Scheduling Order may be extended only by the Court and only upon written motion for good cause shown.
13. The Plaintiff shall serve this Scheduling Order on each Defendant within five (5) business days after the entry of this Order.

Dated: \_\_\_\_\_, 200\_\_\_\_  
Wilmington, DE

\_\_\_\_\_  
KEVIN GROSS  
UNITED STATES BANKRUPTCY JUDGE